

## ROANOKE CITY COUNCIL

November 7, 2005

9:00 a.m.

The Council of the City of Roanoke met in regular session on Monday, November 7, 2005, at 9:00 a.m., in Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Council Member M. Rupert Cutler presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 37109-070505 adopted by the Council on Tuesday, July 5, 2005.

PRESENT: Council Member M. Rupert Cutler -----1.

ABSENT: Council Members Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff and Mayor C. Nelson Harris -----6.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; and Mary F. Parker, City Clerk.

COUNCIL: In view of the fact that a quorum of the Council was not present at 9:05 a.m., Council Member Cutler declared the meeting in recess to be reconvened at 10:00 a.m., in Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke

The Council reconvened at 10:00 a.m., in Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor C. Nelson Harris presiding.

PRESENT: Council Members M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Brenda L. McDaniel and Mayor C. Nelson Harris-----5.

ABSENT: Council Members Sherman P. Lea and Brian J. Wishneff -----2.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

COUNCIL: A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to §2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Council Member Cutler moved that Council concur in the request of the Mayor to convene in Closed Meeting as abovedescribed. The motion was seconded by Vice-Mayor Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Fitzpatrick, Dowe, McDaniel and Mayor Harris-----5.

NAYS: None -----0.

(Council Members Lea and Wishneff were absent.)

ITEMS LISTED ON THE 2:00 P. M., COUNCIL DOCKET REQUIRING DISCUSSION/CLARIFICATION, AND ADDITIONS/DELETIONS TO THE 2:00 P. M., AGENDA:

STADIUM-SCHOOLS: Council Member Cutler inquired as to how public comments will be handled with regard to the Victory Stadium issue which is included on the Council's 2:00 p.m. docket. Mayor Harris responded that each speaker will be allotted three minutes; an announcement will be made at the beginning of the Council meeting that an issue will be discussed, and no personal remarks and/or attacks on the Members of Council, City staff or the School Board will be allowed; a police officer will be on duty in the Council Chamber; if any person violates the procedure, their remarks will be immediately concluded and they will be requested to leave the lectern, and if they refuse to cooperate, the police officer will be instructed to escort the individual from the Council Chamber.

TOPICS FOR DISCUSSION BY THE MAYOR AND MEMBERS OF COUNCIL:

Council Member Cutler inquired about the criteria for funding non-profit organizations which was adopted by the Council on Monday, October 17, 2005. He stated that he was not present when the guidelines were adopted and was uncomfortable with the process. He explained that he attended a meeting with representatives of certain non-profit organizations, at which time the City Manager reviewed the process and rationale by which the guidelines were adopted, etc. Although he did not have a problem with the focus, he stated that he did have a problem with the process, and added that the City should avoid making grant application guidelines complicated, particularly for small grants.

The Mayor advised that Dr. Cutler discussed the issue with him, and it was suggested that they meet with the City Manager to process the results of the meeting which was held on Thursday, November 3 with non-profit organizations.

#### BRIEFINGS:

**CRYSTAL SPRING STREETSCAPE:** The City Manager called attention to a request submitted by Crystal Spring Avenue businesses for improved parking and certain other aesthetic improvements to the streetscape. She advised that the firm of Anderson and Associates, Inc., was engaged to assist with the project; whereupon, she called upon Kenneth H. King, Director, Streets and Traffic; and Brad Ball, Project Manager, Anderson and Associates, Inc., to present tentative plans and specifications.

Working from the Master Plan, Crystal Spring Village Center, Mr. King presented the following overview of the conceptual plan:

- The project will be limited to Crystal Spring Avenue and Rosalind Avenue between 22nd and 23rd Streets, S. W. Improvements along Crystal Spring Avenue will consist of 45 degree angled parking. The project will include new sidewalk along Crystal Spring Avenue (plain sidewalk without brick borders,) new curb for the entire length of the west side of the block, and resurfacing of both Crystal Spring and Richelieu Avenues. Patterned crosswalks will be incorporated across Crystal Spring and Richelieu Avenues on both ends of the block.
- Preliminary discussions with the U. S. Postal Service indicate that mailboxes may be relocated to the south side of 23rd Street, remaining on the east side of the street. Relocating mailboxes will create approximately six additional spaces and additional spaces can be created on the west side of Richelieu Avenue closer to the intersection at 22nd Street.
- Other project features include removal of existing street trees along Crystal Spring Avenue and replacement with trees that are more appropriate for the location. Trees will also be planted in the median between Crystal Spring and Rosalind Avenues. Trash receptacles, benches, and streetlights will be considered as additional amenities in the block.

Vice-Mayor Fitzpatrick expressed appreciation to City staff and to Anderson and Associates for the manner in which the project was presented, which incorporates the "pedestrian sense" that is being promoted throughout the City. He suggested that trees be planted in an island on the east side of the street, similar to those to be located on the west side, to allow for future parking at an angle on the east side of the street.

The City Manager advised that the Mayor previously suggested that a piece of public art be located in the area, with plantings, as well as along the major gateways into the City.

Council Member Dowe inquired about the location of handicapped parking spaces; whereupon, Mr. King advised that the spaces have not been identified, however, some of the angled parking spaces would be designated for handicapped parking. He added that the challenge will be the location of the designated handicapped spaces because the pharmacy is located on one side of the street and the Post Office is located on the opposite side, and designated handicapped parking spaces and ramps will be included in final design review.

Council Member Dowe inquired if some of the remaining parking spaces would be used by patrons of other restaurants in the area, and suggested that the sidewalk be made as "handicapped friendly" as possible since there is no signal at the intersection, or a four way stop sign.

Mr. King called attention to a potential four way stop sign at the intersection, replacement of the sidewalk and installation of decorative treatments. He stated that the challenge is, where should the improvements end, while attempting to be responsive those issues that have been identified by business owners in the Crystal Spring Avenue area.

Following completion of the project, Vice-Mayor Fitzpatrick suggested that parking behind the buildings be redesigned, because a significant amount of parking space is not well organized and could be integrated into one lot that could be used for additional parking. He added that the alleys would also provide access from both 22<sup>nd</sup> and 23<sup>rd</sup> Streets.

There being no further discussion, the Mayor expressed appreciation to Mr. King for the presentation.

SIX-YEAR IMPROVEMENT PLAN-VDOT: The City Manager called attention to the VDOT-Six-Year Improvement Plan which is included on the Council's 2:00 p.m. agenda; whereupon, Kenneth H. King, Director, Streets and Traffic, presented the following briefing:

The transportation project development process starts with a long-range transportation plan, which is a 20-year planning document that was adopted by Council approximately two years ago.

The Transportation Plan was updated approximately three - four years ago. The updated 2006 Plan, which is administered by the Metropolitan Planning Organization, will broaden the list of the City's transportation projects and projects that need to be identified to implement improvements.

The following projects have been funded through the Six-Year Improvement Program:

- Tenth Street from Orange Avenue to Williamson Road
- 13<sup>th</sup> Street from Jamison Avenue and Bullitt Avenue, north of Dale Avenue, to Orange Avenue off of Hollins Road
- Wonju Street, a \$21 million project, which has dramatically changed direction in terms of the financial perspective and once the new estimate is completed, funds will be available through programs from other projects. Funds will not be available until fiscal year 2006, and the City will redirect between \$15 - \$18 million of funds next year.
- Smaller projects such as Riverland Road, Bennington Street, Mount Pleasant Boulevard and other small intersection projects.

Mr. King reviewed the following additions to the Six Year Plan:

- Campbell Avenue from Williamson Road to Norfolk Avenue, in conjunction with the 13<sup>th</sup> Street project.
- Colonial Avenue from Brandon Avenue, Winding Way Road. Reconstruct the existing roadway from Brandon Avenue to Winding Way Road to include sidewalk, curb and gutter, drainage, and bike lanes. Improvements are intended to tie into the TSM Alternative of the Wonju Street project.
- Elm Avenue from Jefferson Street to 6<sup>th</sup> Street. Corridor improvements will enhance interchange operations, increase left turn storage and improve signals.
- Norfolk Avenue from Campbell Avenue to Wise Avenue. The project is in conjunction with the 13<sup>th</sup> Street project.

- Orange Avenue from 11<sup>th</sup> Street to Gus Nicks Boulevard.
- Intersection and miscellaneous spot improvements - candidate locations: Orange Avenue and King Street, Peters Creek Road and Cove Road, Orange Avenue and Williamson Road, Hersherberger Road and Williamson Road, Hersherberger Road and Ordway Drive, and Wasena Bridge spot improvement. Isolated improvements, additional turn lanes, geometric improvements, and other spot improvements. The intersection of Orange Avenue and King Street has been identified as a priority by Council.
- Mobility and accessibility improvements - Hersherberger Road Corridor improvements - Cove Road - Williamson Road. Install pedestrian and bicycle accommodations (sidewalks or shared-use path), resurface roadway, and add landscaping improvements.
- Signal and ITS improvements - traffic signal and ITS upgrades to include new LED signal heads, interconnection and coordination.
- Transit Improvements - Flex funds for transit infrastructure construction and maintenance to include sidewalks, benches and shelters. Surface transportation funds will be flexed over to support bus shelters, bus pullouts, downtown circulator, and other transit enhancements.

Council Member Cutler inquired about the relationship between VDOT's Six-Year Improvement Program and bikeway and greenway plans; whereupon, Mr. King advised that they will fall under the umbrella of the Metropolitan Planning Organization Long Range Transportation Plan, as well as City departmental plans that are prepared as a part of the City's budget, such as Strategic Business Plans.

He noted that staff recommendations with regard to pedestrian or bike amenities, greenways etc., required action by Council and received input from the City's Planning department, Transportation Division, Parks and Recreation and the Roanoke Valley Greenway Commission.

With regard to neighborhoods, Council Member Cutler inquired about GIS layers that show greenways and bikeways; whereupon, Mr. King advised that the City has the capability to identify a particular neighborhood, but he was not certain if the GIS system could identify greenways, bikeways, etc. in a particular neighborhood. He added that the matter will be discussed by the Metropolitan Planning Organization.

From an economic development standpoint, Council Member Cutler inquired as to what is available for employees with regard to various ways to access their work place, i.e.: hiking, biking, etc. The City Manager responded that the neighborhood portal located on the GIS system shows all parks, schools, etc., and staff would study Dr. Cutler's inquiry and respond accordingly.

Council Member McDaniel inquired about the process of determining intersections and miscellaneous spotting improvements; whereupon, Mr. King advised that VDOT's typical model of programming a project is to widen a street from point A to point B and approximately ten years later, the City moves on to the engineering piece; and if the City attempted to complete small scale intersection projects under the same model, it would take approximately six years for completion. Therefore, he indicated that the City's goal is to work with VDOT to identify an intersection categorical area, which are intersection and miscellaneous spotting improvements, and to earmark funds in a six-year fiscal document that will allow the City to advance the project at a much shorter period of time.

With regard to the intersection at Towne Square, Mr. King advised that Council appropriated funds to advance the project, and granted approval for additional funds from the State. He added that the City has also partnered with the local business community to advance the project.

The City Manager advised that construction advertisement for the Dr. Martin Luther King, Jr., project will take place in January 2006.

Council Member Cutler commended Rolanda Russell, Assistant City Manager for Community Development, for her leadership in chairing the Dr. Martin Luther King Jr. Bridge Advisory Committee.

With regard to signage located at Exit 6 on I-581/Route 220 South, Council Member Dowe suggested that directions to downtown Roanoke be included on the sign directing traffic to Elm Avenue and the Town of Vinton. He also requested that signs be erected to identify traffic exiting on Colonial Avenue from the shoulder of the road during rush hour. Mr. King stated that the Director of Public Works will discuss the requests with VDOT and submit further report to the Council.

There being no further discussion, the Mayor expressed appreciation for the briefing.

**BUILDING PERMIT FEE SCHEDULE:** Karl Kooler, Building Commissioner, highlighted the following:

### 2003 Uniform Statewide Building Code (USBC)

- Adoption is set for November 16, 2005
- Three Parts
- Part I - Construction Code
- Part II - Existing Buildings Code
- Part III - Maintenance of Existing Structures
- Technical References are the 2003 International Family of Codes
- Part II - International Existing Building Code (Rehab Code) is new

### Multiple vs. Combination Permits

- Multiple Permits
  - Basic Development
  - Plan Review
  - Temp electrical
  - Building
  - Electrical
  - Plumbing
  - HVAC
  - Gas
  - Fire Suppression
  - Fire Alarm
  - Utility
  - CO
- Combination Permit
  - Combination

### Benefits of Combination Permit

- More customer friendly - one visit to City Hall. The *1-Stop Shop*
- All information related to the project in one place
  - Reviews
  - Approvals
  - Conditions
  - Inspections
  - Correspondence
- Easier to determine permit and review fees
- Contractor benefits more from the declining rate scale
- Easier to avoid delays in closing out a project by coordinating all final requirements

### \$150,000.00 Single Family Residence

- \$800,000.00 - Roanoke existing and City of Richmond
- \$700,000.00 - City of Portsmouth (slightly over), City of Norfolk (slightly under) and the average
- \$600,000.00 - Roanoke proposed, (slightly over) City of Lynchburg (slightly over), City of Newport News (slightly over), and City of Hampton



**\$1,000.00 Commercial**

- \$7,000.00 - City of Richmond
- \$4,000.00 - Roanoke existing (slightly over), City of Newport News (slightly over) and average (slightly below)
- \$3,000.00 - Roanoke proposed (slightly over), City of Lynchburg, City of Norfolk (slightly over), City of Hampton
- \$2,000.00 - City of Portsmouth (slightly over \$2,000.00)

**Fee Comparison - Virginia First Cities**

| Jurisdiction                                      | \$150,000.00<br>Residential | \$300,000.00<br>Residential | \$150,000.00<br>Commercial | \$1,000,000.00<br>Commercial | \$5,000,000.00<br>Commercial |
|---|-----------------------------|-----------------------------|----------------------------|------------------------------|------------------------------|
| Roanoke - Existing                                | \$820.00                    | \$1,520.00                  | \$820.00                   | \$4,320.00                   | \$16,320.00                  |
| <b>Roanoke -<br/>Proposed</b>                     | <b>\$665.00</b>             | <b>\$1,174.00</b>           | <b>\$665.00</b>            | <b>\$3,324.00</b>            | <b>\$15,234.00</b>           |
| Lynchburg   | \$671.00                    | \$1,166.00                  | \$671.00                   | \$2,926.00                   | \$12,824.00                  |
| Newport News                                      | \$650.00                    | \$1,200.00                  | \$660.00                   | \$4,400.00                   | \$22,015.00                  |
| Norfolk   | \$685.00                    | \$1,101.00                  | \$795.00                   | \$3,514.00                   | \$17,580.00                  |
| Portsmouth  | \$745.00                    | \$1,065.00                  | \$810.00                   | \$2,600.00                   | \$20,225.00                  |
| Richmond  | \$804.00                    | \$1,567.00                  | \$1,156.00                 | \$7,210.00                   | \$35,700.00                  |
| Hampton   | \$640.00                    | \$1,230.00                  | \$725.00                   | \$3,326.00                   | \$19,100.00                  |
| Average<br>(Does not include<br>Roanoke Existing) | \$694.00                    | \$1,215.00                  | \$783.00                   | \$3,900.00                   | \$20,382.00                  |

**Revenue Impact**

- FY04 - 05 Revenue \$1,063,000.00
- Recommended adjustments to the fee schedule will impact revenues an estimated (-4.78%)
- Projected revenue decrease is approximately \$50,800.00
- Actual permit revenue (FY04-05) was approximately 29% higher than budget projections
- FY '05-06 is continuing the current level of activity

**Proposed Permit Fees**

| Type Permit                                     | Total Valuation              | Fee   |
|---|------------------------------|---|
|   | \$0.01 to \$1,000.00         | \$45.00   |
| Combination<br>Building<br>Electrical           | \$1,000.01 to \$50,000.00    | \$45.00 for the first \$1,000.00 plus \$5.00 each additional thousand or fraction thereof, to and including \$50,000.00             |
| Plumbing<br>Mechanical                          | \$50,000.01 to \$100,000.00  | \$290.00 for the first \$50,000.00 plus \$4.00 for each additional thousand or fraction thereof, to and including \$50,000.00       |
| Gas<br>Elevator<br>Tanks                        | \$100,000.01 to \$250,000.00 | \$490,000.00 for the first \$100,000.00 plus \$3.50 for each additional thousand or fraction thereof, to and including \$250,000.00 |
| Fire Suppression<br>Alarm Systems<br>Demolition | \$250,000.01 to \$500,000.00 | \$1,015.00 for the first \$250,000.00 plus \$3.25 for each additional thousand or fraction thereof, to and including \$500,000.00   |
| Utility   | \$500,000.01 and up          | \$1,827.50 for the first \$500,000.00 plus \$3.00 for each additional thousand  |

Mr. Kooler advised that the City of Roanoke will move from a multiple fee system to a combination permit system at no additional cost. He further advised that when the fee schedule for permits was compared to other Virginia First Cities, the City of Roanoke ranked high. He added that the process will be simplified and permit fees will decrease; overall impact will be approximately a 4¾ per cent reduction in permit fees over a period of one year and it is anticipated that the City will receive approximately \$50,000.00 per year in revenue.

Council Member McDaniel inquired if the proposed permit system will add any extra burden on the general contractor; whereupon, the Building Commissioner stated that the general contractor is not required to list specialized contractors working on a project, such as mechanical and plumbing, etc., and the general contractor will be aware of the total cost of the project to be performed.

There being no further questions or comments, the Mayor expressed appreciation to Mr. Kooler for the briefing.

BRANDING UPDATE: The City Manager advised that Vice-Mayor Fitzpatrick and Council Member McDaniel have served on a steering committee with City staff with regard to the City's branding efforts; whereupon, Vice-Mayor Fitzpatrick reviewed the following information:

#### Tagline Research

- For the past year, the City's Branding Committee has researched and discussed the use of a tagline to accompany Roanoke's brand. At the request of the branding committee, local and national market research was conducted on three possible taglines: *Mountains of Possibility*, *Elevation: Unlimited*, and *Opportunities on the Rise*.
- Research results showed that of the three, *Mountains of Possibility* tested highest, citing that it best matched Roanoke's image and positioning statement. After considering the results, the Branding Committee discussed whether the City should move forward with the recommendation, select multiple taglines for different uses, or opt not to use a tagline at all. At present, the committee has decided to wait until a future time to address the adoption of an official tagline.
- The committee is open, however, to the possibility of using temporary taglines. For marketing purposes, there is an opportunity to use taglines for special initiatives (ex. using "Opportunities on the Rise" for business relocation or for housing; and "Mountains of Possibility" for tourism or recreation).

- The committee is open to the possibility of using temporary taglines. For marketing purposes, there is an opportunity to use taglines for special initiatives (ex. using ‘Opportunities on the Rise’ for business relocation or for housing; and “Mountains of Possibility” for tourism or recreation).
- In addition, interchangeable taglines could be used for new City signage and during special events. Examples were submitted on how the three could be paired with the Roanoke brand.

#### City Wide Branding

- The City is continuing to apply the brand throughout Roanoke. Variations of the brand will be used for new parking garage signs.
- The City is currently working with firms to develop gateway signs that would replace the wooden Welcome to Roanoke signs, as well as an updated wayfinding sign system.
- Other applications underway for the logo include the new City limit signs, and new branding flags at The Hotel Roanoke and Conference Center, the Civic Center, and City fire stations.
- Fire-EMS vehicles and police patrol cars and bicycles now have logo decals. A schedule is underway to place the brand on all vehicles in the City’s fleet.
- A downtown banners committee has evaluated logistics of placing logo banners in the downtown area. Additionally, the City is developing strategies for external marketing of the City, as well as looking at the use of the brand versus the Roanoke City Seal.
- Staff from the Branding Committee and the Office of Communications will respond to questions regarding use of the brand, as well as any additional plans for marketing and advertising of Roanoke.

Vice-Mayor Fitzpatrick advised that the Branding Committee is requesting Council’s approval to continue a study of the three potential taglines, and positive reviews have been received regarding the new logo. He added that he, along with Council Member McDaniel, will work with City staff to implement the logo.

Mayor Harris suggested that the Branding Committee consider taglines that will highlight successes by the City at gateway entrances to the City of Roanoke; i.e.: high school championships, etc. Vice-Mayor Fitzpatrick also suggested that major activities/events being held in the City of Roanoke be documented, such as the Annual Conference of the Virginia Municipal League.

Council Member Dowe inquired about a tagline that could be installed in the Council Chamber behind the dais; whereupon, Vice-Mayor Fitzpatrick advised that the City Seal should be replaced with the branding logo. He added that the seal is the official Seal of the City of Roanoke and the brand is a progressive image.

The City Manager advised that when the City first converted to use of the branding logo approximately three years ago, staff made the decision to implement the logo gradually; and staff did not address Council related issues, such as the Council's stationary/letterhead. She stated that the Branding Committee has discussed changing the City Seal to resemble the newer image, however, the Committee has chosen not to address the issue at the present time. She called attention to research that has been conducted in other Virginia communities that previously changed their City Seals and upgraded to a more futuristic approach of the logo, which revealed that one-half of the localities that were surveyed elected to retain their official City Seal; and the decision is a Council issue as to when the Council might wish to change from the City Seal to the branding logo. She reiterated that no steps have been taken to change the Council's letterhead, the City Seal, or the image behind the dais in the Council Chamber; however, new logo flags are now being flown at all of the fire stations, many City departments display the new flag, and the new flag is currently being flown in the front and to the rear of The Hotel Roanoke, as opposed to the official City Seal Flag.

Council Member Cutler spoke in support of modernizing the City's official Seal. He also spoke in support of assisting service clubs by posting meeting dates, times and locations on the City's website in an effort to establish a partnership with the service organizations.

The City Manager advised that City representatives are working with various groups to replace the wooden "Welcome to Roanoke" signs at gateway entrances to the City, and the comments made by Council Members involving interchangeable signs will be reviewed by the Branding Committee.

At 11:40 a.m., the Mayor declared the Council meeting in recess for one closed session.

At 11:50 a.m., the Council meeting reconvened in the City Council Chamber, with Mayor Harris residing and all Members of the Council in attendance, except Council Members Lea and Wishneff.

COUNCIL: With respect to the Closed Session just concluded, Vice-Mayor Fitzpatrick moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, McDaniel and Mayor Harris-----5.

NAYS: None-----0.

(Council Members Lea and Wishneff were absent.)

OATHS OF OFFICE-COMMITTEES-TOWING ADVISORY BOARD: The Mayor advised that there is a vacancy on the Towing Advisory Board, created by expiration of the term of office of Christine Profitt; whereupon, he opened the floor for nominations to fill the vacancy.

Vice-Mayor Fitzpatrick placed in nomination the name of Phyllis A. Johnson.

There being no further nominations, Ms. Johnson was appointed as a member of the Towing Advisory Board, for a term ending June 30, 2008, by the following vote:

FOR MS. JOHNSON: Council Members Cutler, Dowe, Fitzpatrick, McDaniel and Mayor Harris-----5.

(Council Members Lea and Wishneff were absent.)

OATHS OF OFFICE-COMMITTEES-ROANOKE CIVIC CENTER: The Mayor advised that there is a vacancy on the Roanoke Civic Center Commission, created by expiration of the term of office of Monica S. Jones; whereupon, he opened the floor for nominations to fill the vacancy.

Council Member Dowe placed in nomination the name of John W. Elliott, Jr.

There being no further nominations, Mr. Elliott was appointed as a member of the Roanoke Civic Center Commission, for a term ending September 30, 2008, by the following vote:

FOR MR. ELLIOTT: Council Members Cutler, Dowe, Fitzpatrick, McDaniel and Mayor Harris-----5.

(Council Members Lea and Wishneff were absent.)

OATHS OF OFFICE-COMMITTEES-ROANOKE ARTS COMMISSION: The Mayor advised that there is a vacancy on the Roanoke Arts Commission, created by the resignation of Mark C. McConnel; whereupon, he opened the floor for nominations to fill the vacancy.

Council Member Cutler placed in nomination the name of Edward W. Barnett.

There being no further nominations, Mr. Barnett was appointed as a member of the Roanoke Arts Commission to fill the unexpired term of Mark C. McConnel resigned, ending June 30, 2007, by the following vote:

FOR MR. BARNETT: Council Members Cutler, Dowe, Fitzpatrick, McDaniel and Mayor Harris-----5.

(Council Members Lea and Wishneff were absent.)

At 11:55 a.m., the Mayor declared the Council meeting in recess until 2:00 p.m., in the City Council Chamber, 215 Church Avenue, S. W., City of Roanoke.

At 2:00 p.m., on Monday, November 7, 2005, the Council meeting reconvened in the City Council Chamber, Room 450, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor C. Nelson Harris presiding.

PRESENT: Council Members M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff and Mayor C. Nelson Harris-----7.

ABSENT: None-----0.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Council Member Alfred T. Dowe, Jr.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

#### PRESENTATIONS AND ACKNOWLEDGEMENTS:

COMMUNITY PLANNING-DECEASED PERSONS: Council Member Cutler offered the following resolution memorializing the late Jack Ronald "John" Marlles, former Director of the Department of Planning and Community Development:

(#37228-110705) A RESOLUTION memorializing the late Jack Ronald "John" Marlles, former Director of the Department of Planning and Community Development for the City of Roanoke.

(For full text of resolution, see Resolution Book No. 70, Page 41.)

Council Member Cutler moved the adoption of Resolution No. 37228-110705. The motion was seconded by Vice-Mayor Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

The Mayor called for a moment of silence in memory of Mr. Marlles and presented a ceremonial copy of the above referenced resolution to Mrs. Marlles.

#### CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, the item would be removed from the Consent Agenda and considered separately.

MINUTES: Minutes of the regular meeting of Council held on Monday, September 19, 2005, were before the body.

Vice-Mayor Fitzpatrick moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

AUDIT COMMITTEE: Minutes of a meeting of the Audit Committee which was held on Monday, October 3, 2005, were before the body.

Topics of discussion included: Audit Findings Follow Up, Police Department Cash Funds, Sheriff's Canteen Fund and Jail Inmate Fund, Audit Committee Annual Report - June 30, 2005, Municipal Auditing Annual Report - June 30, 2005, N.A.L.G.A. Peer Review of City of Roanoke Municipal Auditing, and Letter from the Auditor of Public Accounts.

Vice-Mayor Fitzpatrick moved that the minutes of the Audit Committee be received and filed. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

COMMITTEES-HOUSING/AUTHORITY: A communication from John P. Baker, Executive Director, Roanoke Redevelopment and Housing Authority, advising of the resignation of Mornique E. Smith as a member of the Board of Commissioners, effective September 4, 2005, was before Council.

Vice-Mayor Fitzpatrick moved that the resignation be accepted and that the communication be received and filed. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

OATHS OF OFFICE-COMMITTEES-HOUSING/AUTHORITY-ROANOKE CIVIC CENTER-INDUSTRIES-SCHOOLS-VIRGINIA'S FIRST REGIONAL INDUSTRIAL FACILITY AUTHORITY: A report of qualification of the following persons, was before Council:

Paul P. Anderson and Brownie E. Polly as members of the Roanoke Civic Center Commission, for terms ending September 30, 2008;



R. Brian Townsend as a City of Roanoke representative to Virginia's First Regional Industrial Facility Authority, to fill the unexpired term of Elizabeth Neu, ending June 30, 2006;

Jason E. Bingham as a Trustee of the Roanoke City School Board, to fill the unexpired term of Gloria P. Manns, resigned, ending June 30, 2006; and

Stuart H. Revercomb as a Director of the Industrial Development Authority, for a term commencing October 21, 2005 and ending October 20, 2009.

Vice-Mayor Fitzpatrick moved that the report of qualification be received and filed. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

#### REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS: NONE.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

HEALTH DEPARTMENT-BUDGET-GRANTS: The City Manager submitted a communication advising that in 2001, Roanoke Fire-EMS was awarded the "Get Alarmed, Virginia!" Grant, which is a State-secured Federal grant from the U. S. Centers for Disease Control and Prevention and the Virginia Department of Health; the Get Alarmed, Virginia! Program has been credited with saving the lives of more than 66 men, women and children across the Commonwealth of Virginia and also is credited with preventing millions of dollars in property loss; according to the National Safe Kids Campaign, every dollar spent on a smoke alarm, prevents \$21.00 worth of loss, which is a 2,100 per cent return on investment; and the grant provides smoke detectors to fire departments and other local agencies to disperse to citizens in need.

It was further advised that in September, 2005, Roanoke Fire-EMS was once again awarded the Get Alarmed, Virginia! Grant; the program focuses on installing smoke detectors in the homes of families that have children under the age of five and in homes where elderly residents over the age of 65 reside, because these age groups are more likely to die in a house fire; this year, the grant is focusing not only on fire prevention, but on fall prevention for the elderly; the grant will provide the Roanoke Fire-EMS Department with: 3,000 smoke detectors with ten-year lithium batteries, bath mats, night lights, oven mitts, educational brochures covering fall and fire prevention and grant funds totaling \$15,000.00; and grant funds are reimbursable; i.e.: Roanoke Fire-EMS will pay for needed items to implement the program (ex: ladders, drills, salaries, other educational material and media promotion) and will be reimbursed by grant funds.

The City Manager recommended that Council accept the grant award and that she be authorized to execute the required grant agreement, contract and any other related documents, to be approved as to form by the City Attorney; and that Council adopt a budget ordinance establishing a revenue estimate in the amount of \$15,000.00 and appropriate funds in the same amount to accounts to be established by the Director of Finance in the Grant Fund.

Council Member Dowe offered the following budget ordinance:

(#37229-110705) AN ORDINANCE appropriating funds for the Get Alarmed, Virginia! Grant, amending and reordaining certain sections of the 2005-2006 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 70, page 43.)

Council Member Dowe moved the adoption of Ordinance No. 37229-110705. The motion was seconded by Vice-Mayor Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

Vice-Mayor Fitzpatrick offered the following resolution:

(#37230-110705) A RESOLUTION authorizing the acceptance of the Get Alarmed, Virginia! Grant from the U. S. Centers for Disease Control and Prevention and the Virginia Department of Health, and authorizing execution of any required documentation on behalf of the City.

(For full text of resolution, see Resolution Book No. 70, page 44.)

Vice-Mayor Fitzpatrick moved the adopted of Resolution No. 37230-110705. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

STATE HIGHWAYS: The City Manager submitted a communication advising that the Virginia Department of Transportation (VDOT) has advised the City of Roanoke that funds are projected to be available for programming new projects in the FY 2007-2012 Six-Year Improvement Program (SYIP); the projection is based upon the funding status of projects in the current SYIP; current SYIP projects including 10<sup>th</sup> Street Improvements, the Wonju Street Extension project, and Hollins Road/13<sup>th</sup> Street extension are now fully funded projects, or will be fully funded in FY 2007; and projected available funding to the City of Roanoke over the next six year period is \$23,694,000.00.

It was further advised that the Virginia Department of Transportation requires a Council resolution documenting the City's support of projects in advance of placing the projects in the SYIP; projects proposed for addition to the SYIP must be included in the Long-Range Transportation Plan (LRTP,) which Council previously approved on October 23, 2003; based upon public comments during preparation of the LRTP and the SYIP, identified transportation needs, and projected funding, the following projects are recommended for addition to the FY2007-2012 Six-Year Improvement Program:

- Campbell Avenue
- Colonial Avenue
- Elm Avenue
- Norfolk Avenue
- Orange Avenue
- Intersection and Miscellaneous Spot Improvements
- Mobility and Accessibility Improvements
- Signal & ITS Improvements
- Transit Improvements

It was noted the City's request to add projects to the SYIP must be submitted to VDOT no later than December 1, 2005; VDOT will consider the request and submit a recommendation to the Commonwealth Transportation Board; the Board is expected to take action on the request in the spring of 2006 and the final SYIP should be announced in the summer of 2006; provisions of the SYIP require the City to provide a local match representing two per cent of

total project costs; two per cent of the \$23,694,000.00 program cost is \$473,880.00, which will be required over the six year period; and funds totaling \$310,000.00 are budgeted annually by the City for transportation needs and will be adequate to cover the required local match.

The City Manager recommended that Council adopt a resolution in support of the addition of the abovereferenced projects to the FY2007-2012 Six-Year Improvement Program.

Council Member Dowe offered the following resolution:

(#37231-110705) A RESOLUTION concurring in the programming of new projects in the City of Roanoke's Six-Year Improvement Program FY2007 - 2012 ("SYIP").

(For full text of resolution, see Resolution Book No. 70, page 44.)

Council Member Dowe moved the adoption of Resolution No. 37231-110705. The motion was seconded by Vice-Mayor Fitzpatrick.

Mr. Chris H. Craft, 1501 East Gate Avenue, N. E., commended the City of Roanoke on the widening of Orange Avenue from 12<sup>th</sup> Street to Gus Nicks Boulevard, N. E.; however, he stated that there is a need to look at the corner of Gus Nicks Boulevard and King Street where traffic backs up. He asked that the intersection be included in the City's Six-Year Transportation Plan, or that short term measures be implemented to alleviate traffic congestion.

There being no further discussion, Resolution No. 37231-110705 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

CITY CODE-HOUSING/AUTHORITY: The City Manager submitted a communication advising that on March 1, 2004, Council amended and reordained Division 1, Generally, and Division 2, Fair Housing Board, Article III, Fair Housing Administration, Chapter 16, Human Rights, Code of the City of Roanoke (1979), as amended, by adding certain definitions and certain sections to effect amendments to the City's Fair Housing Ordinance, in order to be consistent with current Federal and State Fair Housing regulations, and to revise responsibilities of the Fair Housing Board.

It was further advised that since the City's Fair Housing ordinance was first enacted in March 1973, prior to enactment of Federal and State Fair Housing regulations, age was recognized as a protected class in the City; and while Federal and State regulations do not recognize age as a protected class (both Federal and State Fair Housing regulations include "elderliness" as a protected class which applies to anyone over 55 years of age), the City of Roanoke opted to retain age and include "elderliness" as protected classes during a recent amendment of the ordinance.

It was explained that housing for older persons is specifically allowed under Federal and State Fair Housing regulations; however, inclusion and retention of "age" as a protected class in the City's Fair Housing Ordinance unintentionally prohibits the establishment of housing communities for older persons in the City; while recent amendment to the City's Fair Housing Ordinance included addition of a definition for "housing for older persons" that was consistent with Federal and State definitions, the definition was included because State and Federal regulations recognize "housing for older persons" as a permitted exception to "familial status"; familial status is a protected class which prohibits housing discrimination against persons with children under the age of 18 and was added to the City's ordinance during the recent amendment; inclusion of the definition by itself in the City's ordinance is not sufficient to indicate the allowance of housing for older persons in the City; and the Fair Housing Board recommends that the City's Fair Housing Ordinance be further amended to allow for "housing for older persons", in accordance with Federal and State regulations.

The City Manager recommended that Council adopt an ordinance amending Section 16-152, "Exceptions from article", Division 1, Generally, Article III, Fair Housing Administration, Chapter 16, Human Rights, of The Code of the City of Roanoke (1979), as amended, by the addition of a provision to allow housing for older persons in accordance with State and Federal law.

Vice-Mayor Fitzpatrick offered the following ordinance:

(#37232-110705) AN ORDINANCE amending Section 16-152, Exceptions from article, of Division 1, Generally, of Article III, Fair Housing Administration, of Chapter 16, Human Rights, of the Code of the City of Roanoke (1979), as amended, by the addition of subsection (8), to clarify that housing specifically for older persons is permitted in the City, in accordance with State and Federal laws; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 70, page 45.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37232-110705. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

**BUILDINGS/BUILDING DEPARTMENT-FEE COMPENDIUM:** The City Manager submitted a communication advising that the City's Fee Compendium, as maintained by the Director of Finance, was authorized and approved by Council, pursuant to Resolution No. 32412-032795, adopted on March 27, 1995; and the Fee Compendium is the basis for fees charged for all construction-related permits issued through the Building Inspections Division of the Department of Planning Building and Economic Development.

It was further advised that the Building Inspections Division currently uses a multiple permit system in which each trade involved in a building project obtains a separate permit for its portion of the work; the Building Inspections Division is recommending adoption of a combination permit system to replace the system currently in existence to allow one all-inclusive permit to be issued for each project; an all-inclusive permit will streamline the permitting process and improve the ability to monitor a project; as a part of the change, adjustments are recommended to Building Inspections Fees as outlined in a fee schedule; the net effect of changes in fees will result in a decrease of 4.75 per cent in building-related fees; and it should be noted that fiscal year 2006 building inspection-related revenues are still projected to meet their revenue estimates due to the positive volume of permits which will offset fee decreases.

The City Manager recommended that Council adopt a resolution amending Building Inspections Fees.

Council Member Cutler offered the following resolution:

(#37233-110705) A RESOLUTION amending and adding certain fees and charges with regard to building inspections division permit fees, amending the Fee Compendium, and providing for an effective date.

(For full text of resolution, see Resolution Book No. 70, page 46.)

Council Member Cutler moved the adoption of Resolution No. 37233-110705. The motion was seconded by Vice-Mayor Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

SPECIAL PERMITS-DOWNTOWN ROANOKE, INCORPORATED: The City Manager submitted a communication advising that the City of Roanoke has been approached by a private carriage company to facilitate a horse-drawn carriage service for the downtown area; and Downtown Roanoke, Inc. (DRI) has met with the vender and supports establishment of the service which can help draw visitors to the downtown area and provide a value added experience.

It was further advised that an ordinance was drafted that will provide control and structure for carriage operators; included in the ordinance is a permit fee structure of \$45.00 to operate a horse-drawn vehicle business and \$20.00 for a horse-drawn vehicle operator's business; the area for normal carriage operations will be bordered by Salem Avenue on the north, Third Street on the west, Church Avenue on the south and Williamson Road on the east; and there may be occasion when operating outside the normal geographical area is permissible to facilitate special events or requests, for example, at The Hotel Roanoke and surrounding area.

The City Manager recommended that Council adopt an ordinance to permit and to provide oversight of a horse-drawn vehicle service in the downtown area of the City of Roanoke.

Vice-Mayor Fitzpatrick offered the following ordinance:

(#37234-110705) AN ORDINANCE amending and reordaining the Code of the City of Roanoke (1979), as amended, by adding a new Article IV, Horse-Drawn Vehicles, to Chapter 34, Vehicles for Hire; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 70, page 49.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37234-110705. The motion was seconded by Council Member Dowe.

Richard Ferron, operator of the private carriage company, appeared before Council in support of the request.

There being no questions or comments, Ordinance No. 37234-110705 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

POLICE DEPARTMENT-BUILDINGS/BUILDING DEPARTMENT-BUDGET: The City Manager submitted a communication advising that on February 13, 2003, the City of Roanoke executed a Contract with Cederquist Rodriguez Ripley, P.C., d/b/a Rodriguez Ripley Maddux Motley (Architect) for design and construction administration for the Police Building, Phase II; a construction contract was awarded to J. M. Turner & Company, Incorporated (Contractor), on June 29, 2004, with a Notice to Proceed date of August 16, 2004, and a completion date of October 10, 2005; the contractor has requested two time extensions, and the City has granted a total of 27 consecutive days, which extended the completion date to November 6, 2005; however, additional time to complete the project will be needed which requires additional construction administration services; an amendment to the architect's contract is necessary to pay for additional services which are anticipated to be no more than \$40,000.00, based on rates in the base contract; and total anticipated architectural/engineering fee is within a reasonable range of eight – nine per cent of total construction cost.

It was further advised that Council was previously informed of early changes to the project which led to an increase in the construction budget and required additional services from the architect which were provided for in two amendments; the two amendments increased the architect's contract by \$74,571.80, or 21.6 per cent of the original fee of \$345,000.00; several other minor amendments to the architect's contract have been approved; and authorization by Council is needed to fund the abovereferenced additional services inasmuch as additional services, when combined with prior amendments, will exceed 25 per cent of the original contract amount.

It was explained that City staff is negotiating with the contractor to define the additional time necessary to complete the project and to determine if credits and/or liquidated damages are due from the contractor to the City; it is anticipated that the City of Roanoke will realize some amount of credits or liquidated damages from the negotiations and any such amounts would offset the additional architectural/engineering construction phase services; and funding is available in Account No. 008-530-9567, "Police Building Design - Phase II", to fund the proposed amendments.

The City Manager recommended that she be authorized to execute additional amendments to the City's contract with Cederquist Rodriguez Ripley, P.C., d/b/a Rodriguez Ripley Maddux Motley (Architect), not to exceed \$40,000.00, for additional professional services needed to complete the Police Building, Phase II Project.

Vice-Mayor Fitzpatrick offered the following resolution:



(#37235-110507) A RESOLUTION authorizing the City Manager's issuance and execution of additional Amendments to the City's contract with Cederquist Rodriguez Ripley, P.C., d/b/a Rodriguez Ripley Maddux Motley for additional professional services for the Police Building, Phase II Project.

(For full text of resolution, see Resolution Book No. 70, page 55.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 37235-110705. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

DIRECTOR OF FINANCE:

AUDITS/FINANCIAL REPORTS: The Director of Finance submitted the Financial Report for the month of September 2005.

(For full text, see Financial Report on file in the City Clerk's Office.)

There being no questions or comments and without objection by Council, the Mayor advised that the Financial Report for the month of September would be received and filed.

POLICE DEPARTMENT-BUDGET-GRANTS: The Director of Finance submitted a written report advising that a budget ordinance adopted by Council on Monday, October 3, 2005, did not match the accompanying staff report for the Bulletproof Vest Partnership Grant; therefore, adoption of another budget ordinance by Council is necessary to correct the oversight.

The Director of Finance recommended that Council adopt a budget ordinance appropriating funds in the amount of \$1,900.00 in revenue and expenditure accounts in the Grant Fund.

Council Member Cutler offered the following budget ordinance:

(#37236-110705) AN ORDINANCE appropriating funds for the Local Law Enforcement Block Grant, amending and reordaining certain sections of the 2005-2006 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 70, page 56.)

Council Member Cutler moved the adoption of Ordinance No. 37236-110705. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

REPORTS OF COMMITTEES: NONE.

UNFINISHED BUSINESS:

ZONING-ARMORY/STADIUM-SCHOOLS: Council at a Special Meeting which was held on Tuesday November 1, 2005, at 4:00 p.m., having been briefed on five specific options for Victory Stadium, as developed by Heery International, and Council having agreed to receive public comment at its meeting on Monday, November 7, 2005, the matter is before the body.

The Mayor advised that 56 persons had signed up to speak. He stated that Victory Stadium is a passionate and emotional issue; however, the purpose of the meeting is to discuss an issue and not to discuss people, therefore, personal comments would not be allowed by the Chair if they are directed to the Members of Council, the School Board, the City Manager or the Superintendent of Schools, and any individual making any such comments would be immediately ruled out of order and would not be allowed to complete their comments. He added that he expected the discourse to be civil and becoming of the community, because of the number of persons in attendance, some persons who signed up to speak were directed to Room 159 in the Municipal Building where they were viewing the proceedings via RVTv Channel 3, therefore, he would call several names at one time and requested that speakers begin to make their way to the Council Chamber when their names were called.

Council Member Lea requested a clarification of the Mayor's remarks and inquired if citizens will not be allowed to exercise their first amendment rights to freedom of speech; whereupon, the Mayor clarified that speakers may comment on various positions, but the Chair would not tolerate attacks on the character of individuals and there would be civil discourse throughout the meeting.

Council Member Lea called for a clarification by the City Attorney; whereupon, he advised that the Mayor will chair the meeting and issue rulings; if Members of Council disagree with a ruling by the Chair, they may move to challenge the ruling of the Chair and if a majority of the Council disagrees with the ruling of the Chair, the Mayor would be overruled.

The following persons addressed the Council:

Mr. Andrew S. Boxley, 301 Willow Oak Drive, S. W., spoke as a business person, but primarily as a parent, and encouraged Council to support construction of stadiums at the two high schools for the following reasons: high school stadia are less expensive than any option that was proposed by the Victory Stadium consultant, and high school stadia will provide more opportunities for students and redefine the campus experience at each high school. He stated that a vote by Council in favor of high school stadiums would send a clear signal to future generations that the Council cares about the needs of Roanoke's students and has acted accordingly on their behalf.

Mr. C. Richard Cranwell, 111 Virginia Avenue, Vinton, Virginia, advised that in today's world, government in America is suspect at all levels because citizens believe that they have no control over what goes on in government, and they believe that government leaders do not listen to or respond to their constituency. Having served for 30 years in the Virginia General Assembly, he stated that his experience was that if everyone believed that they had been heard, although they may not agree with a decision, they still believed that the process had not turned its back on them.

Ms. Carol Brash 2259 Westover Avenue, S. W., spoke on behalf of stadia at the two high schools. She stated that she lives within six blocks of Patrick Henry High School, and looks forward to the noise, traffic and excitement that a stadium would bring to the neighborhood. She advised that she serves on the PTSA Board of Directors at Patrick Henry High School and on the Roanoke Central Council PTA, and at a recent meeting of the Central Council PTA, 27 of the 29 schools represented unanimously supported stadia at both high schools. She noted that a cost of \$8.2 million was quoted for the two high school stadiums, which leaves \$6.8 million of the \$15 million that was appropriated for stadia, and suggested that remaining funds be used for renovation of Victory Stadium.

Mr. E. Duane Howard, 1135 Wasena Avenue S. W., advised that all citizens should pause and think about the power they hold with regard to City Council elections in May 2006 because regardless of the Council's vote today, two new high school stadiums cannot be constructed in a few months, Victory Stadium cannot be torn down in a few months, and the City Council May elections cannot be postponed. He stated that the citizens of Roanoke can elect three new persons to City Council who will honor their word and promise to save Victory Stadium.

Mr. Bill McClure, 542 Walnut Avenue, S. W., spoke as the parent of a junior at Patrick Henry High School. He qualified his remarks by stating that he was not against construction of stadia at the two high schools; however, the problem rests with the process that has generated a perception that the desired result was not found in the consultant's report, therefore, it must be changed.

He added that the process generated a public perception that not only were the rules changed, but the game was changed as well, and the process generated the question of what will happen to Victory Stadium. He added that there are numerous issues that have not been publicly addressed, closure is needed, but to change the course at the "11<sup>th</sup> hour" does not seem to be cautious or prudent. He stated that if Victory Stadium is not addressed in depth, Council will be shirking the responsibilities of office and misleading voters which could be a deciding issue in the political careers of some Council Members.

Ms. Mary C. Pruette, 2914 Carolina Avenue, S. W., a senior at Patrick Henry High School, advised that she and her fellow classmates will not benefit from a school stadium or a new school, however, they felt strongly enough about the issue that approximately 20 students accompanied her to the Council meeting. She added that today's events are unique because Council will vote on constructing two new high school stadia; whereupon, she expressed support for a stadium at Patrick Henry High School for safety reasons, field conditions, and most importantly, school spirit. She stated that safety is an important factor, a stadium at the school site would offer the advantage of locker rooms and shelter in the event of inclement weather, field conditions have not been thoroughly discussed, and whether it be the soccer team playing at River's Edge Sports Complex, or the football team playing at Victory Stadium, or the band performing at Victory Stadium, or lacrosse teams playing on the practice field, Roanoke's field conditions are sub par to its competitors. She added that school spirit has reached an all time high, with a level of excitement and pride due to a new Patrick Henry High School, therefore, there could be no better way to top off existing student pride and excitement than to construct a stadium that will be the focus of athletic achievement. In conclusion, she asked that Council do what is right and best for Roanoke's students of today and tomorrow.

Mr. Robert N. Turcotte, 1890 Arlington Road, S. W., advised that two questions need to be answered: are the right questions being asked and are the right people being listened to. He stated that constructing two high school stadia means that the stadiums will be the right size.

Mr. Nick A. Brash, 2259 Westover Avenue, S. W., spoke in support of construction of stadiums at the two high schools. He stated that he attended high school in a community that had an athletic field on the school campus which helped to increase student pride; and upon graduation from college, he returned to the community and lived within a block and one-half of the same stadium, and attested to the fact that any inconvenience was minor, noise was not an issue and vehicular traffic was manageable. He added that he moved to Roanoke 19 years ago, he considers himself to be a Roanoker with no emotional attachment to Victory Stadium; and he has attended numerous functions at Victory Stadium and has never seen the stadium filled to capacity.

He commended Roanoke's Police Department on the professionalism with which they manage traffic at Patrick Henry High School on a daily basis, and urged that Council objectively review the type of facility that would best serve the needs of the students of the City of Roanoke.

Ms. Helen E. Davis, 35 Patton Avenue, N. E., expressed concern with regard to the Mayor's preliminary instructions to citizens limiting their right to speak. She stated that she has attended City Council meetings for many years and has not witnessed any incident when a citizen was disrespectful. She inquired as to how the Council could ignore an informative and detailed report by a consultant the was hired to study the various options for Victory Stadium when it was clear that Victory Stadium could be renovated for \$13.5 million using Historic Tax Credits; and the stadium could be renovated for not only football, but for the enjoyment all citizens of the Roanoke Valley. She expressed concern with regard to "11<sup>th</sup> hour" maneuverings, and the possibility of constructing a stadium at each of the two high schools. She advised that stadia at Patrick Henry and William Fleming High Schools would cost \$8.2 million; however, it is strange that the City did not request more clarification as to how the \$8.2 million figure was calculated. She stated that those Council Members who vote in support of constructing a stadium at each high school will have let Roanoke's taxpayers down, and all citizens of Roanoke should have a vote on the fate of Victory Stadium via a public referendum.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., advised that it appears that the Council has gone against the recommendations of the Victory Stadium Study Committee, and the citizens of Roanoke have suffered a disservice because the joint meeting of Council and the School Board which was held on November 3, 2005, to discuss high school stadia was not televised via RVTV Channel 3. She stated that it was mentioned that students at Patrick Henry High School would be able to use the stadium in 2007, but students at William Fleming would not have a stadium until 2010. She took issue with the statement that football fields at each high school would increase the graduation rate, and advised that she was not aware of a football field anywhere that taught anything to a child, and if they were taught by virtue of being on a football field, it was due to the dedication of coaches and teachers. She urged that Council give the teachers the tools they need to teach and give the citizens of Roanoke and the Roanoke Valley a renovated Victory Stadium. She stated that Victory Stadium is an historic building and, if renovated properly, Roanoke's children could be proud to play sports in a newly renovated stadium.

Mr. Ivan Moore, 2219 Carter Road, S. W., spoke in support of stadia at the two high schools, primarily to increase school pride and as a fundraising venture for the booster clubs. He stated that there is not a lot of neighborhood opposition and any concerns can be addressed as a result of meetings with City and School officials. He commended Mayor Harris for taking a stand on the issue of high school stadia, and stated that as a taxpayer, he does not favor using \$22 million plus of taxpayers' dollars to renovate Victory Stadium when

the facility does not have a business plan and lies in a floodplain. He advised that William Fleming High School deserves a stadium, and with the existing infrastructure such as the airport, interstate, restaurants, hotels/motels and shopping malls, it makes sense to construct a high school football stadium at that location which will enable Council to move on to other pressing issues.

Ms. Jackie Gentry, 1819 Warrington Road, S. W., a senior at Patrick Henry High School and President of the Student Government Association, advised that as the student body president, she listens to concerns and opinions of students on a daily basis, most of whom believe that separate stadiums at the two high schools are needed. She stated that separate stadiums will not only remove the inconvenience of driving to Victory Stadium, but raise school spirit, which in turn will lower violence in the schools, motivate students to attend school, and raise the attitude of some students which will lead to better school performance.

Ms. Leslie Hubble, 2424 Lofton Road, S. W., advised that no one has the right to build a stadium without first soliciting input by the residents of the area. She stated that the City of Roanoke should not vote on the issue until all affected residents have been heard, and called attention to the area around Patrick Henry High School that is already plagued by traffic flow issues. She added that if a stadium is constructed, existing problems will be compounded by noise pollution as a result of horns blaring and spectators celebrating after a football game.

Ms. Allyn K. Hughes, 3833 Park Lane, S. W., a senior at Patrick Henry High School, spoke in support of two separate high school stadiums. She stated that on campus stadiums would help the booster clubs to raise funds for school activities, and a school stadium would help to increase school spirit and unite the student body. She encouraged Council to think about not only today's students, but future generations of students.

Mr. John R. Graybill, 2443 Tillett Road, S. W., advised that it appears that the Council has already decided to build stadia at each of the two high schools. He commended Council Members Lea and Wishneff for remaining true to their campaign promise regarding Victory Stadium.

Mr. Daniel C. Webster, 2623 Guilford Avenue, S. W., advised that Victory Stadium was constructed to honor the memory of Roanokers who gave their lives in World War II; however, their memory has already been tarnished due to improper maintenance of the stadium for a number of years and their ultimate sacrifice would be totally dishonored by razing the facility. In the event that Victory Stadium is torn down, he inquired as to what venue the City would offer to its citizens for public concerts, Fourth of July celebrations, Festival in the Park, etc., and how could two smaller remote high school stadiums replace a larger central venue that serves the entire Roanoke Valley as opposed to a select few. He inquired as to the purpose of appointing a citizens committee to

study the question of whether to renovate or rebuild Victory Stadium when, after a year of intense study and fact gathering, the Committee's recommendations were totally disregarded; and based on the Council's response to the Committee's work, why would any citizen even consider serving on a committee in the future knowing that their hard work and recommendations will be dismissed if they do not echo the desired results. He stated that the City funded a \$159,000.00 study by a highly qualified stadium design firm only to disregard their recommendations, and almost immediately thereafter construction estimates were obtained for the two high school stadiums from another source. He inquired if the source of the high school stadia estimate has the same credentials as Heery International, are estimates detailed and available for public review, how will the school system be able to operate the two stadiums when the schools presently lack the necessary resources to maintain existing school facilities, and would the Superintendent of Schools set aside pay increases for presently under paid teachers, or would the school system cut back on funding for much needed basic and instructional materials which are often purchased personally by teachers.

Mr. Al C. Scanlan, 1631 Center Hill Avenue, S. W., advised that for years, if not generations, the question of Victory Stadium has been on the City's agenda; i.e.: renovate the facility, replace it, tear it down, rebuild it, relocate it, etc. He stated that in April, 2005, the final report of the Stadium Study Committee was completed and presented to Council, and subsequently Council obtained an engineering report and set a target budget of \$15 million; it appeared clear that the Mayor and others gave the recommendation of the Stadium Study Committee their full support if estimates came in under budget, and today Council appears to be on the threshold of voting in favor of a plan that was not a part of the recommendations of the Study Committee and will set the entire Victory Stadium question back for many years. He advised that two 2,000 - 3,000 seat high school stadiums will not serve the needs of the total community, and no effort was made to consider the opinions of those persons residing in the specific areas where the stadia are proposed to be located; stadiums appear to be inadequate to meet the needs of the two high schools under certain circumstances; cost of the stadia is not clear; the future of Victory Stadium is unknown; recommendations by the Stadium Study Committee have been ignored; taxpayers spent \$159,000.00 on a consultant's report that is being ignored; future taxpayer liability is unclear; and the citizens of the City of Roanoke want and deserve answers to their questions. He stated that one of the recommendations of the Stadium Study Committee was to sell legacy bricks from Victory Stadium as a fundraiser; whereupon, he offered a check in the amount of \$500.00 for the first purchase of legacy bricks.

Ms. Hannah Updike, 2803 Woodlawn Avenue, S. W., a junior at Patrick Henry High School, advised that two stadiums, one at Patrick Henry and one at William Fleming are a necessity. She called attention to the importance of pride in one's school and advised that two separate stadiums would allow each school to have adequate and safe facilities for home and visiting teams. She asked that surrounding neighborhoods be considered with regard to traffic, light and noise concerns and that Council keep the needs of present and future students at the forefront of deliberations.

Ms. Suzanne Osborne, 1702 Blair Road, S. W., called attention to a vote on May 2, 2005, at which time the Council elected to not consider high school stadiums as an option. She advised that the Stadium Study Committee reported at the same meeting that high school stadiums had been unanimously eliminated as an option, and it was also reported that the School Board was not in favor of any type of facility that would require a maintenance responsibility. She expressed concern that a \$159,000.00 consultant's report that contained rational information with which to make an informed decision on Victory Stadium has been ignored, the recommendations of a citizens committee that spent nine months and diligently pursued the issues with all options on the table has been ignored, and to ignore the voice of a majority of citizens in favor of the special interest of a few citizens is disrespectful, shameful, and an attempt to prevent the public from obtaining accurate information which is needed to make an informed decision on how tax dollars will be spent. She stated that the figure quoted by the Superintendent of Schools that two stadiums could be constructed for \$8.2 million has not been questioned and the Superintendent has given the assurance that the stadia can be constructed without additional funding by the City; however, at the same time, the School Superintendent advises that the school system does not have sufficient manpower or equipment to maintain current school facilities.

Mr. Chris H. Craft, 1501 East Gate Avenue, N. E., advised that during the last Councilmanic election, some Council Members campaigned on the promise that Victory Stadium would be renovated. He stated that the school system should be permitted to use Victory Stadium free of charge which would allow the funds to be used for other school needs, such as teacher pay raises, and the elimination of mobile classrooms, etc. He expressed concern for those residents of the area surrounding Patrick Henry High School who were not given the opportunity to address the issue; therefore, action on the matter should be tabled by Council until there is sufficient input by the Raleigh Court/Grandin Road neighborhoods.

Mr. Winfred Noell, 2743 Northview Drive, S. W., advised that he has followed the Victory Stadium issue for quite some time and he has observed a City administration that manipulates numbers and is not truthful with the citizens.



The Mayor cautioned Mr. Noell that personal comments regarding the Members of Council, the School Board, the City Manager, or the Superintendent of Schools would not be tolerated by the Chair.

Mr. Noell continued his remarks and advised that it appears that the entire Victory Stadium issue has resurfaced, which has the effect after all of the mistakes and maneuvers that occurred during the Orange Avenue stadium/amphitheater issue of planting more seeds of distrust toward leaders of the City.

The Mayor once again requested Mr. Noell address to his remarks to the issue under discussion.

In view of the fact that persons from the audience were making remarks without being recognized by the Chair, the Mayor advised that heckling from the audience would not be tolerated and if such behavior continued, he would declare a recess and ask that Police Officers remove those persons from the Council Chamber. He again asked that persons conduct themselves in a civil manor.

Mr. Noell advised that the issue will be resolved during the Councilmanic election in May 2006, because the events of the past two weeks have been "backroom, good old boy politics at its worst".

Ms. Mary Scanlan, 1631 Center Hill Drive, S. W., expressed concern with regard to the lack of time and information that has been given to those citizens of the areas that will be impacted by the two high school stadiums. She stated that she was opposed to the two high school stadium plan, a stadium is not suitable for the Patrick Henry High School site, nor will the stadium meet the needs of citizens for major events that have become a tradition in Roanoke. She inquired as to why the Council would consider a two stadium plan when there are many unanswered questions, with very little citizen input, and especially after receiving the Heery International report on Victory Stadium options. She stated that as a 30 year Roanoke City elementary school teacher, she would respectfully disagree with the statement that constructing on site stadia at the two high schools would lower student dropout rates, and advised that the dropout rate relates to many factors and not to a building. She advised that the focus should be on meeting the 2005-2006 academic expectations set by the State Board of Education, rather than school stadiums, and the City should stay within the original financial guidelines for a stadium that will meet the needs of the entire community.

Mr. Kit Hale, 2222 Blenheim Road, S. W., advised that as a member of the Board of Zoning Appeals and inasmuch as the issue may come before the Board, he would not speak on the matter. The City Attorney stated that his office is currently researching the issue and inasmuch as Mr. Hale is also an adjacent property owner, he is researching the question of whether it will be necessary for Mr. Hale to disqualify himself from participating if the issue is addressed by the Board of Zoning Appeals.

Ms. Patricia Pruett, 4902 Grandin Road, S. W., commended Council Members Wishneff and Lea on their efforts to save Victory Stadium. She spoke in support of preserving the City's historic landmarks and asked if the lights went out on the star on Mill Mountain, would the City move the star to another location? She stated that the star on Mill Mountain and Victory Stadium represent the same principle and Victory Stadium deserves to be renovated and used by all of Roanoke's citizens.

Mr. Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, advised that he predicted over two years ago that the City would tear down Victory Stadium and give the property to Carilion Health System. He stated that in November 1942, Victory Stadium was dedicated to the memory of World War II veterans and in November 2005, the City could decide on the death of Victory Stadium. He encouraged City leaders to act according to the wishes of those citizens who elected them to office and in compliance with the Victory Stadium consultant's report which indicated that it would be less costly to renovate Victory Stadium. He stated that one solution would be to spend \$5 million on a stadium for William Fleming High School and spend another \$5-7 million dollars to renovate Victory Stadium for use by not only Patrick Henry High School, but all of the citizens of the Roanoke Valley. He called attention to the agreement that was entered into between the City of Roanoke and Norfolk and Western Railway Company which donated the land to the City and stipulations of the agreement provide that the land can only be used for stadium, armory, and park purposes.

Mr. Barton J. Wilner, 2709 Crystal Spring Avenue, S. W., advised that as a business person, whenever he is confronted with various issues, he considers the best interest of his customers; and the number one customer of Victory Stadium is high school athletics, which represents over 90 per cent of the stadium's usage, therefore, it makes sense to seek the preference of the stadium's number one customer. He stated that when asked the question, would you prefer to have your own stadium at your own high school, principles, athletic directors, coaches, parents, students, the Parent Teacher Association, the School Board and school administrators all advised that two high school stadiums would strengthen the school campus, increase school spirit and school pride, increase attendance at events, increase participation in sports, increase usage of the facilities for other sports assemblies/band, strengthen booster involvement and create concession sales, decrease travel expenses, increase safety, strengthen the neighborhoods, increase neighborhood commerce, and provide two first class venues that are used on a regular basis.

He added that two high school stadiums could be constructed for about \$8.2 million versus \$13.5 million, or more, to renovate Victory Stadium; and by eliminating Victory Stadium, the City could develop Reserve Avenue from Victory Stadium to Franklin Road and provide multiple athletic fields with pedestrian bridges linking the fields with the River's Edge Sports Complex, and provide an outstanding recreation venue for Roanoke's children and adults that could be used Monday through Friday throughout the year, as well as a valuable marketing tool for tournaments on weekends. He stated that professionals at the Roanoke Valley Convention and Visitors Bureau and the Department of Parks and Recreation will verify that this is the type of product they can market and sell. He advised that high school stadiums have been constructed all over the United States from Virginia to California; and the City of Roanoke is building the first of two world class high schools, and the project should be completed with two first class high school stadiums. He encouraged the City to construct facilities that are needed for the next 50 years and not confuse the decision with what was needed and built 50 years ago; and it is time to do the right thing for Roanoke's children, the community and for Roanoke's future by building two high school stadiums, tear down Victory Stadium and develop Reserve Avenue.

Mr. John Kepley, 2909 Morrison Street, S. E., referred to five occasions when the Mayor publicly stated that he supported the renovation of Victory Stadium. He stated that an honorable man is trustworthy and keeps his word which should be his bond.

There were remarks from the audience; whereupon, the Mayor instructed the individual to leave the Council Chamber. When he refused to do so the Mayor declared a brief recess so that Police Officers could escort the person from the Council Chamber.

Mr. Phillip Wright, 1646 Center Hill Drive, S. W., advised that the issue will define for the citizens of Roanoke what is meant by public trust and respect and preservation of minority rights. He stated that public trust has been badly shaken, if not shattered, by the realization that certain elected officials cannot be relied upon to do what they say or to say what they do; and public trust has been damaged by a cleverly orchestrated campaign to insert the local school stadia issue as an "11<sup>th</sup> hour" maneuver around what is truly needed for the City of Roanoke in the form of a high quality, first class City stadium that meets the needs of all citizens. He added that no one has bothered to ask the taxpayers of the City of Roanoke, and especially the taxpayers in the Grandin Court, Raleigh Court and William Fleming residential neighborhoods their opinion inasmuch as they could be subjected to loss of property values, privacy and the quiet enjoyment of their homes.

Council Member Wishneff expressed concern that speakers were not allowed to quote the names of Council Members while making their presentations, and noted that the comments of Council Members are a matter of public record in the Council's minutes which are on file in the City Clerk's Office.

The Mayor responded that he stated at the beginning of the discussion that there would be civil discourse in the Council Chamber, and he would not allow personal attacks on the Members of Council, the School Board, and the City and School administrations. He stated that he has been broad in his interpretation of remarks and as advised by the City Attorney, any Member of the Council has the right to make a motion to overrule the Chair.

Council Member Wishneff moved that speakers be permitted to read statements that are a matter of public record, whether they be news articles, e-mails, or statements made by the Mayor and Members of Council.

The Mayor responded that he has allowed broad latitude to speakers; however, if a future speaker is overruled by the Chair and Council disagrees with the ruling by the Chair, he would entertain a motion to overrule the Chair.

Mr. Dick Kepley, 550 Kepplewood Road, S. W., advised that a stadium for all of the citizens of the City of Roanoke is needed. He stated that 90,000 people live in Roanoke, most of whom will never attend a high school football game; looking to the future, a 3,000 seat stadium at each of the two high schools will not be successful; and a Virginia High School League playoff game cannot be played at a stadium with a seating capacity of 3,000 according to an official of the Virginia High School League who stated that at least 4,000 seats would be necessary for a playoff game at either school. He took issue with the remarks of the Superintendent of Schools that high school stadia would improve student performance, school spirit and test scores. He also took issue with the figure quoted by the Superintendent of Schools that two 3,000 seat stadiums could be constructed for \$8.2 million when the consultant's report quoted \$16.8 million to build a 5,000 seat stadium. He stated that the citizens of Roanoke deserve to know how the \$8.2 million figure for the two high school stadiums was calculated.

Ms. Susan Wadsworth, 1650 Center Hill Drive, S. W., expressed appreciation for the countless hours of service that Council Members give to the citizens of Roanoke. She stated that she appeared before Council with a heavy heart because Council is about to make a decision that will affect her, her family and her neighbors without their permission; Council has not been able to make a decision regarding Victory Stadium during the last ten years and now the Council is about to make a decision to construct two stadiums at two City high schools as a solution to the Council's indecision. She stated that to ignore the recommendations of paid consultants and a citizen's task force is not befitting of the democratic process; residents of the area surrounding Patrick

Henry High School are not obstructionists and they have enjoyed being good neighbors with Patrick Henry High School, but they must and should be considered because their property values will be affected; and no one has the right to construct a stadium in their back yard without consulting with them. She advised that the big picture should be considered because a 3,000 seat stadium on each of the City's high school campuses will not attract playoff games and other events such as concerts, statewide athletic events, etc. She stated that Roanoke's students need a stadium and the Roanoke Valley deserves a state of the art facility that will serve the needs of the entire community.

Ms. Chris Kaze, 1647 Center Hill Drive, S. W., expressed concern about the message that is being sent to the children of Roanoke when a political agenda is forced on an entire neighborhood; and residents of the area surrounding Patrick Henry High School should have been the first to be consulted, rather than having been left out of the process. She stated that her main purpose in addressing the Council is to point out that the City's actions will teach the children of Roanoke to be less than good neighbors, and Council should listen to the recommendations of the Stadium Study Committee and set the right example for Roanoke's youth.

Mr. Bob Caudle, 4231 Belford Street, S. W., spoke in support of renovating Victory Stadium in view of the figures quoted in the consultant's report.

Ms. Margaret Keyser, 2701 Guilford Avenue, S. W., commended those students who addressed the Council and advised that they were poised, respectful and articulated their position in support of constructing stadia at the two high schools. She inquired as to why those citizens, whose property will be the most affected by the construction of a stadium at Patrick Henry High School, were left out of discussions.

Ms. Valerie Garner, 2264 Mattaponi Drive, N. W., called attention to a telephone conversation with an official of the Virginia Department of Aviation who expressed concern with regard to stadium lighting adjacent to Roanoke Regional Airport and the Aviation official has referred the matter to the Eastern Region of the Federal Aviation Administration for investigation. She stated that Land Use Recommendations of the Virginia Department of Aviation provide that communities discourage the development of residences, schools, churches, hospitals, daycare centers, nursing homes, and other similar uses, including uses resulting in large open air assemblies of people such as amphitheaters and stadiums, near airports. She suggested the City to investigate the matter prior to proceeding with a lighted stadium at the William Fleming High School site.

Mr. Tom Bradley, 2042 Westover Avenue, S. W., spoke in support of the renovation of Victory Stadium.

Dr. J. Keith Bohon, 5012 Cave Spring Circle, S. W., spoke in support of the renovation of Victory Stadium which can be done for \$13.5 million using Historic Tax Credits. He stated that Victory Stadium could receive an \$18 million renovation for \$13.5 million, and the remaining funds could be used to construct a 5,000 seat stadium at William Fleming High School. He advised that Victory Stadium was neglected by the City of Roanoke for over 20 years and cannot be repaired using a "band aid" approach, and advised that a renovated Victory Stadium could be the crown jewel of Riverside Park.

Mr. Tom Skelly, 2402 Avenel Avenue, S. W., spoke in support of the renovation of Victory Stadium.

Mr. Eric Woodard, 2809 Guilford Avenue, S. W., advised that high school stadia appear to be a last minute initiative, nobly motivated, yet lacking adequate and proper planning and process. He stated that the City of Roanoke should improve athletic and academic infrastructure and achievement; and much progress has been made to renovate schools, but rather than providing a better place to play football and soccer, the School Board should be challenged to fund more programs that will act toward achieving State and Federal Standards. He further stated that the City of Roanoke has not followed due process and study in order to make an informed decision; and the issue is not a decision on Victory Stadium, but a last minute power play by a small, but vocal and powerful community claiming noble causes. He advised that as a new parent, he respected the cause of Roanoke's children, but one community, neighborhood or special interest group should not be allowed to force their will on another by claiming nobility and ignoring due process. He stated that if Council votes in favor of high school stadia today, the Members of Council will be accountable in the coming months not for dealing with what is right for the children, but with activities that have allowed a total disregard for those residents who are most profoundly affected.

Mr. Stuart Revercomb, 855 Wildwood Road, S. W., advised that the present City Council and past City Councils have changed direction at the last minute with regard to Victory Stadium, with little information regarding the will of the citizens of Roanoke. He stated that all relevant information has been received after many years of public discourse, opinion surveys, consultant reports, remarks by independent citizens, committee recommendations, editorials, elections in which people are swept into and out of public office, site preparation studies, engineering studies, feasibility studies, School Board input, City staff input and yet on the brink of making a decision, the Council by all indications, is preparing to proceed in another direction, without public comment, a site preparation report, traffic studies, or a feasibility study to make a decision that will once again plummet the community into the same malaise of contention and controversy that has divided Roanoke for many

years. He noted that the City of Roanoke has wasted an unbelievable amount of taxpayer's time and money on the issue, and as elected leaders, Council is charged with the responsibility of making informed and well reasoned decisions, decisions that are arrived at through logical and timely debate. He advised that there are two options; i.e.: nighttime high school stadiums, or renovate Victory Stadium at the \$11.6 or \$13.5 million level and provide day stadiums as called for by the School Board without lights, which would provide a vast majority of the benefits addressed by the Superintendent of Schools. He added that day stadiums could be funded by the balance of the Victory Stadium budget, proceeds from the sale of the Orange Avenue property, and if necessary, by the City's budget for the three years that it takes to develop the William Fleming site. He noted that one of the options will cast the City back into the extended continuous debate that has divided the community and prevented the City from focusing on far more important issues, and the other option will provide a win-win for all Roanokers that will allow the City to move forward as it honors the past with a renewed spirit of cooperation and optimism.

Ms. Estelle McCadden, 2128 Mercer Avenue, N. W., advised that citizens and neighborhoods make a city and neighborhoods are the fabric of a city. She stated that while recognizing the needs of Roanoke's students, Council is forgetting the City's general citizenry; therefore, she spoke in support of renovating Victory Stadium and moving the facility out of the floodplain.

Mr. Jim George, 2340 Blenheim Road, S. W., advised that Council Members should place service to the citizens of Roanoke above themselves, and asked that Council Members listen to the people, pay attention to what is going on in the community and not make decisions based on politics. He called attention to actions of past leaders of the City of Roanoke to save The Hotel Roanoke which has created numerous economic opportunities for the downtown area and increased property values. He questioned what will happen to property values in the neighborhoods surrounding Patrick Henry High School if a stadium is constructed and pointed out that Council Members were elected to represent the best interests of the citizens of the City of Roanoke by asking questions and by obtaining the necessary information prior to making major decisions.

Mr. Ralph Eaton, 2428 Lofton Road, S. W., advised that residents of Grandin Court are disappointed that they were not included in the decision to construct a stadium at Patrick Henry High School.

Ms. Claudia A. Whitworth, 2318 Melrose Avenue, N. W., advised that her remarks regarding Victory Stadium were made with no emotional commitment to the Stadium. She stated that over the years she has listened and observed with an open mind the "political ping pong" that has gone on as to whether to rebuild a new City stadium, or to renovate existing Victory Stadium in its present state of disrepair, which is due to the benign neglect of the facility by

the City. She expressed surprise that after all this time the Council is now considering the construction of stadia at the two high schools and advised that after listening to previous speakers, it would appear that she has observed two separate meetings; i.e.: one for a City stadium and one for high school stadia. She stated that she was astonished to hear that stadia are proposed to be constructed at the two high schools, one of which is historically black and one is historically white, and regardless of current statistical data on either stadium, they will be stigmatized as such. She expressed disappointment that a City stadium for all of the citizens of Roanoke has gotten lost in the process with no reasonable alternative.

Mr. Don Bouldin, 2114 Berkley Avenue, S. W., advised that the Victory Stadium Study Committee submitted its recommendations; Council stated that the two options under consideration were to either renovate or to demolish Victory Stadium, a consultant reported that Victory Stadium is structurally sound and it would be cheaper to renovate the facility, and at the last minute the School Board recommended smaller stadia at the two high schools. He challenged the Council to follow its original plan; i.e.: to not place any other options on the table and to renovate Victory Stadium.

Mr. Tommy Firebaugh, 4703 Phyllis Road, S. E., advised that the City of Roanoke is missing an important opportunity by not promoting Victory Stadium at a higher level for concerts, special activities, celebrations and arts and crafts, rather than primarily for football. He stated that Roanoke's two high schools have used Victory Stadium in the past for football games and there is no reason why football games cannot continue to be played in a renovated Victory Stadium. He spoke in support of holding a referenda to allow the citizens of Roanoke to vote on the fate of Victory Stadium. He expressed concern that citizens residing in the neighborhoods surrounding the two high schools were not consulted prior to the School Board submitting a recommendation to the Council regarding high school athletic fields.

Mr. Robert E. Gravely, 727 29<sup>th</sup> Street, N. W., expressed concern with regard to the consideration of stadiums at the two high schools at this late hour, and especially without input from the neighborhoods surrounding the two high schools, or more detailed financial information. He stated that if properly promoted, Victory Stadium could generate much needed revenue for the City.

Mr. Kurt Navratil, 1877 Arlington Road, S. W., President, Greater Raleigh Court Civic League, which consists of more than 10,000 residences and over 400 members, including residents and businesses, advised that the Board of Directors voted to support the concept of stadia at the City's two high schools; however, the Board of Directors did not support a specific proposal, nor did it intend to give carte blanche approval to construction of just any type of facility on campus. He added that it is understood that the facility will introduce many things to the neighborhood and the Board of Directors intends to ensure that issues such as lighting, frequency of use, litter, vehicular and pedestrian traffic,



parking and noise are minimized and contained to the highest extent possible. He stated that the neighborhood's rationale for supporting the concept of high school stadiums is to improve the education and athletic experience of Roanoke's children and to strengthen the neighborhood. He further stated that the topic under discussion deals with not just structures, but with children and the desire to give Roanoke's children every reason to want to return to the Roanoke Valley after graduating from college.

The Reverend Carl T. Tinsley, 2647 Springhill Drive, N. W., expressed concern that if Council votes to construct stadia at the two high schools, such action will be in conflict with a recommendation of the Council appointed Stadium Study Committee and the consultant that was engaged by the City to study the condition of Victory Stadium. He advised that he was not opposed to the construction of high school stadia, but he was opposed to a stadium in his neighborhood. He stated that Roanoke's schools should be updated, and, in due time, stadiums can be constructed for the two high schools, but there is a need to move forward with the Victory Stadium issue and to renovate the stadium so that it can be used by all of the citizens of Roanoke.

Mr. Tom Cain, 2258 Memorial Avenue, S. W., encouraged the City of Roanoke to begin to think of itself not only as a City, but as an ecosystem. He stated that water cannot be compressed from the Roanoke River basin, water displaced from one place must seek another, therefore, Roanoke should be careful not to try to mitigate its problems by worsening the problems of its neighbors down stream. He further stated that having just commemorated the 20<sup>th</sup> anniversary of the flood of 1985, the City of Roanoke and the Roanoke Valley should be especially sensible with regard to development in flood plains; the world is full of anomalies, Historic Tax Credits may be available to encourage and in this case, to enable new development in flood plains, but as a matter of public policy, they should not be. He added that stadia on the high school campuses in the neighborhoods will enrich community life, improve neighborhoods and provide a commercial boost to neighborhood merchants.

Mr. Roy Chambers, 2807 Huntington Boulevard, N. W., President, Roanoke Valley Hospitality Association, which is comprised of business leaders in the hospitality industry representing hotels, convention and visitor bureaus, surrounding cities and counties, civic centers, chambers of commerce, restaurants, and educational facilities spoke on behalf of all of the above entities that will be affected by a stadium. He spoke in support of athletic fields at William Fleming and Patrick Henry High Schools which will provide a sense of individualism for each of the high schools, for current students and for the students of future generations. Additionally, he requested that Council reconsider Victory Stadium options and a new stadium. He stated that Roanoke is the largest City on the Blue Ridge Parkway, the City of Roanoke is the capitol of the Roanoke Valley and southwest Virginia, the City of Roanoke is in a position to be the leader of all other cities and towns in the Roanoke Valley and southwest Virginia; and in this leadership position, Roanoke City and City

Council have a duty to its citizens to preserve Roanoke's history and to prepare for Roanoke's future. Therefore, he recommended that Council table consideration of all options regarding Victory Stadium and/or a new facility and appoint another committee composed of persons who are attuned to both the history and the future of the Roanoke Valley, to those types of activities that a stadium will attract, and to how funds can be appropriated to preserve the history of Victory Stadium while preparing for the future of the City of Roanoke. He encouraged Council to be the leaders they were elected to be by representing the citizens of Roanoke, by following the advice of the City Manager, and by not allowing personal agendas to hinder present and future progress of the Roanoke Valley.

Mr. Robert Craig, 701 12<sup>th</sup> Street, S. W., advised that the citizens of Roanoke pay \$103,000.00 collectively in salaries to the Members of Roanoke City Council, therefore, Council should be accountable for its actions to Roanoke's citizens. He asked the following question: What is the City's current debt and how much interest is paid each year?

Ms. Frieda Tate, 4556 Van Winkle Road, S. W., spoke in support of the renovation of Victory Stadium. She expressed concern that some Council Members have changed their position with regard to Victory Stadium after publicly stating that they supported renovation of the facility.

Mr. Charlie Bowles, Camp Careysbrook, Riner, Virginia, spoke in support of the renovation of Victory Stadium, and stated that Victory Stadium is a regional facility that attracts people from as far away as the Town of Blacksburg and Montgomery County. He added that Victory Stadium is in its current state of disrepair because the City of Roanoke did not budget funds for maintaining the facility after the Civic Center was constructed.

Ms. Margaret Kreger, 835 Wildwood Road, S. W., a junior at Patrick Henry High School and Spirit Chair of the Student Government Association, advised that students support an athletic field at Patrick Henry High School. She expressed concern and embarrassment with regard to the behavior that was exhibited by some adults at today's Council meeting. She stated that the number one reason to construct stadiums at the two high schools is due to the poor condition of Victory Stadium, which is "prison-like" in its appearance with fencing around the facility and the presence of police officers. She spoke in support of the construction of high school stadia which will not only improve academics, but improve school spirit by involving students which, in turn, will increase their motivation to attend school.

The Mayor expressed appreciation to all speakers for their participation and called on Council Members for remarks.

Council Member Cutler offered the following resolution:

(#37237-110705) A RESOLUTION authorizing the filing of a petition to amend the conditions attaching to the zoning of property which is owned by the City of Roanoke and which is designated as Official Tax No. 1460101.

(For full text of resolution, see Resolution Book No. 70, page 57.)

Council Member Cutler moved the adoption of Resolution No. 37237-110705. The motion was seconded by Vice-Mayor Fitzpatrick.

Council Member Dowe expressed appreciation to the citizens of the community for their love and passion for Roanoke. He stated that each citizen came to the Council meeting with various opinions, yet he personally sensed a genuine respect as he interacted with citizens during the course of the afternoon. He added that he prayed for a healing of the community, and commended the Members of Council because it is not easy to be in the Council's position. He stated that the Victory Stadium issue has been studied and restudied, however, certain issues stood out in the consultant's report that indicated that it would not be a wise decision to construct a stadium larger than 5,000 seats. He acknowledged that Victory Stadium has not been properly maintained for a number of years and a marketing study revealed that the City of Roanoke cannot do a lot more to market the stadium, because there are more markets, cities, populations, and historical propensity to support events--in other words, there are not a lot of football teams or concerts that could fill 10,000-20,000 seats. He stated that the same study reinforced the fact that it would be difficult to justify building a facility of 18,000 seats for a declining population. He advised that when a child speaks he listens, and Roanoke's students are asking for high school athletic fields. He emphasized that it would be necessary for the City to address any problems that need to be dealt with in the surrounding neighborhoods.

Vice-Mayor Fitzpatrick advised that Victory Stadium and high school stadia are challenging issues for all of the Members of Council; there appears to be a lack of community sense as to what Council and the citizens are attempting to do, and it is not a Council that is against the neighborhoods, but a Council that is trying to do the best it can with taxpayers' dollars. He stated that speaking as a past economic developer, there are certain things in the community that some people either do not want to know, or do not want to accept; the City of Roanoke is facing tremendous challenges at the present time with an older population per capita than any other city in the Commonwealth of Virginia, the City of Roanoke has more citizens who have frozen their real estate taxes than any other city in Virginia and as a result, Roanoke's schools are in trouble, the City has a shrinking tax base because the tax base cannot be expanded through annexation, Roanoke is not creating the right kind of jobs for its young people, and the cost of operating the City is increasing every year. He added that Victory Stadium could be renovated for \$17 plus million and with Historic Tax Credits, the cost would be \$13.5 million, however, an additional \$2 million would be required to install restrooms for 18,000 people; attorneys

have indicated that the City cannot be certain that it will be eligible for the entire Historic Tax Credit package, and if the entire tax credit package is not approved, the remainder of funds would have to come from taxpayers. He added that the marketing study indicated that the City is not in a good competitive position to have a large stadium for any purpose, and promoters do not book concerts at football stadiums because they prefer amphitheaters. He advised that bottom line, the City does not have the market to sell 18,000 seats to anyone, and from a fiscal perspective, taxpayers' money would go into an empty stadium with an average of about 1,500 attendees. He added that the consultants indicated that 90 per cent of Victory Stadium's usage would be by the two high schools; therefore, the question is, what is best for the students, what will it take to keep young people in the Roanoke Valley, what is needed to have more than a 50 per cent graduation rate, and where is the City of Roanoke when it has five schools that are already on probation and five more that are about to go on probation. He stated that the issue is not about a stadium, but about an inner city that is experiencing challenging times and it will cost taxpayers large sums of money if some of the major issues cannot be fixed. He acknowledged that certain valid issues have been addressed by the neighborhoods if stadia are constructed at the two high schools, and the resolution introduced by Council Member Cutler provides for public hearings at the City Planning Commission and City Council levels; neighborhoods have not been left out of the process and residents will have every opportunity for input to address traffic, lighting and other issues. He explained that the decision today would not be to construct a stadium, but to initiate the process for the rezoning that will enable the City to work out the details. He added that it would be irresponsible to vote against two high school stadiums at a cost of \$8.2 million and save the taxpayers \$10 million, but more importantly the young people of Roanoke have stated their interest in having a complete school. He advised that Victory Stadium will not last forever, the Stadium will not generate revenue, but will continue to cost the City money, and knowing what lies ahead, the City cannot afford to continue to pay for Victory Stadium. He stated that the Victory Stadium issue is holding the Roanoke Valley back from achieving its potential and must be resolved one way or another.

The Mayor commended the behavior of students who addressed the Council. He advised that when he ran for office, on a number of occasions, he stated that Council should study the renovation of Victory Stadium, but any option that would exceed \$10 million was too costly. He added that he had not discarded or ignored the reports by consultants that were presented to the Council last week; the Heery report found that four out of the five options exceeded the City's financial capacity; and the one exception was the renovation option using Historic Tax Credits. He added that it was also important to remember that the Heery study was submitted with a marketing and feasibility analysis which was clear in its assessment that for 90 per cent of the activities that a stadium could generate, the City of Roanoke would not need more than 5,000 seats; and the marketing and feasibility study also indicated that even in a best case operating scenario, regardless of whether it

was the two renovation options or the three new build options, the stadium would have to be heavily subsidized annually by the City for operations. He stated that approximately one month ago, when he began to hear from the Roanoke Central Council PTA and from school administrators of their interest in stadia at the two high schools, he was not excited about the concept, and was frustrated and fatigued by the entire stadium saga; however, prior to receipt of the Heery report and the marketing and feasibility study, he realized that he should not allow his frustrations and fatigue to have, as its only goal, a decision, but his ultimate goal should be to make the right decision. He submitted that he has tried to be fair in the process, whether it was with regard to organizing the Stadium Study Committee, or engaging the consultant's report. He stated that citizens residing in Raleigh Court and Grandin Court should and will be involved; the resolution that was previously introduced will immediately initiate community and neighborhood meetings with both School and City officials to discuss the stadium at Patrick Henry High School and allow opportunities for residents to present their concerns regarding lights, traffic, ingress and egress and parking, etc., within the next two to four weeks. He added that information will be disseminated through the Grandin Court Civic League, the Raleigh Court Civic League, flyers and the news media to promote community engagement meetings; and following community meetings, public hearings will be held by the City Planning Commission and the City Council which will provide additional opportunities for public involvement regarding any unresolved concerns or suggestions. He advised that he has asked himself two primary questions in the midst of the issue: first, what is in the best interest of the City as a whole, and second, what, in that context, is the most fiscally responsible thing to do. He stated that the School Board and the Superintendent of Schools, faculty and the administrators are working hard to bring a new spirit and a sense of community to Roanoke's high school campuses; and although high school stadia will not be the panacea that will cure all ills, they can have a positive impact on the City's high school campuses and on Roanoke's students.

Council Member Lea stated that he was appalled that citizens residing in the Grandin Court/Raleigh Court neighborhood had to read in *The Roanoke Times* that Council was preparing, on a fast track, to construct a stadium in their neighborhood. He stated that Council met with the consultants last Tuesday; shortly after the meeting, there was a need to meet with the School Board, that had one week earlier forwarded information stating that the School Board's Athletic Committee and the School Board were in favor of high school stadia, however, the School Board indicated that it was a decision that would ultimately have to be made by the Council. He added that even though the School Board did not request a meeting with Council, Council met with the Board on Thursday, November 3, at which time the Superintendent of Schools stated that if athletic fields are constructed at the two high schools, the dropout rate would be reduced and student achievement scores would go up; and it was reported through the local news media that the Superintendent of Schools, who assumed his position in July 2005, recently advised the Central Council PTA that

he was conceding to have stadiums constructed at both high schools. He advised that when the Mayor states that he changed his mind on the stadia issue out of concern for the community as a whole, he would question what community the Mayor is making reference to, because Victory Stadium is an icon in the Roanoke community and a historical landmark. In the days of segregation, he stated that Victory Stadium was the one place in the City of Roanoke where all citizens, black or white, could go and leave segregation at the gates; William Fleming, Jefferson, and Lucy Addison High Schools used the same football field and brought the community together, and now the City is talking about tearing the stadium down. He further stated that Victory Stadium has hosted Fourth of July celebrations where the community comes together and the Western Virginia Education Classic that raised over \$100,000.00 over the last six years and has brought approximately 500 young people back to school. He advised that three Members of the Council voted to construct a stadium/amphitheater on Orange Avenue; week after week barrels containing contaminated substances were uncovered, but there was no rush at that time to bring the School Board to the table, and no concern was expressed for Roanoke's children. He stated that the consultant's report provided information that was needed to resolve the Victory Stadium issue both fairly and openly. He stressed the importance of remembering that under discussion is not just a building, but an icon that has existed in the Roanoke community for many years and Victory Stadium is an important historical landmark to a vast majority of Roanoke's citizens.

Council Member McDaniel advised that a lot of voices have been heard and she did not doubt the passion or the sincerity of any speaker. She stated that when one opts to serve in public office, they know that they will not be able to make everyone happy, but they strive to do what is right. She further stated that she lives in the Raleigh Court area, about two blocks from Patrick Henry High School, she is a former President of the Greater Raleigh Court Civic League, and she is passionate about the neighborhood where she has lived for the past 30 years. She advised that if she believed that constructing a football stadium on the Patrick Henry campus would hurt the neighborhood, she would fight against it, however, after hearing more about how the lights can be mitigated, that only five or six football games a year would be played on the athletic field, the needs of the schools, and the wishes of students, she has come to realize that a stadium might not be such a bad thing. She stated that it could be an opportunity to make the neighborhood stronger as it embraces the school, Patrick Henry High School is a part of the neighborhood and it would be logical to construct a football field on the high school campus, while offering a substantial savings to the taxpayers of Roanoke. She pledged support to the Greater Raleigh Court Civic League and to the Grandin Road Neighborhood Association to ensure that the athletic field will be an asset to the neighborhood.

Council Member Wishneff referred to previous comments and commitments made by certain Members of Council with regard to Victory Stadium that have not been honored. He advised that the Stadium Study Committee did not agree on the construction of stadia at the two high schools, School Board members served on the Study Committee, no one at that time brought up the issue of athletic fields at the two high schools, and this most recent attempt to construct high school stadiums is an excuse by the Council to not renovate Victory Stadium. He reviewed the minutes of the May 2, 2005, Council meeting at which time Members of Council commented on the recommendations of the Stadium Study Committee and the construction of athletic fields at the two high schools and read a portion of a previous e-mail from the Mayor regarding his position on high school stadia. He expressed concern that ever since the findings of the consultant were made public, some persons have worked to discredit the report; as a consultant he has worked with the Historic Tax Credits program throughout the United States, however, no City representative contacted him to discuss their concerns, but instead went in other directions to discredit the consultant's report. He added that Roanoke is a City that tax credits built, and referred to the following projects that were completed using the Historic Tax Credit program: Higher Education Center, Seven North Jefferson, O. Winston Link Museum, Shenandoah Hotel, Burrell Hospital, Grandin Theater, Jefferson Center, Warehouse Row and the future Culinary School, all of which have created \$30 million in cash from Historic Tax Credit investors.

He advised that it would cost less to construct and operate an 18,000 seat stadium, which could be an enormous opportunity for the City of Roanoke if marketed correctly; and the consultant advised that for a facility of its age, Victory Stadium is a sound structure.

Mr. Wishneff questioned the figures quoted by the Superintendent of Schools to construct stadia at the two high schools and compared the cost of renovating Victory Stadium with the cost of the two athletic fields. He stated that Victory Stadium could be renovated for the benefit of all of the citizens of Roanoke and the high schools could play their five football games at the newly renovated facility. He added that for the Councilmanic election in May 2006, the issue will not be about Victory Stadium specifically, but about trust and integrity.

There being no further discussion, Resolution No. 37237-110705 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, McDaniel and Mayor Harris-----5.

NAYS: Council Members Lea and Wishneff-----2.

# INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

COUNCIL: Council Member Cutler offered the following resolution changing the time of commencement and the place of the regular meeting of City Council scheduled to be held at 2:00 p.m. on Monday, November 21, 2005, to 12:00 p.m., in Room 159, Noel C. Taylor Municipal Building, for a meeting of Council with Congressman Bob Goodlatte:

(#37238-110705) A RESOLUTION changing the time of commencement and the place of the regular meeting of City Council scheduled to be held at 2:00 p.m. on Monday, November 21, 2005.

(For full text of resolution, see Resolution Book No. 70, page 58.)

Council Member Cutler moved the adoption of Resolution No. 37238-110705. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

## MOTIONS AND MISCELLANEOUS BUSINESS:

## INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

POLICE DEPARTMENT: Council Member Lea advised that a community forum on domestic violence will be held on Tuesday, November 29, 2005, at 6:00 p.m., at the Roanoke Civic Center.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

CITY COUNCIL: Mr. Chris Craft, 1501 East Gate Avenue, N. E., suggested that Council Members be seated facing the audience at the 9:00 a.m., Council work session on the first Monday of each month.



PROCLAMATIONS: Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., stated that she was under the impression that Council was interested in developing good character, but the actions she had witnessed at today's Council meeting were quite saddening. She advised that those persons who addressed the Council stated that citizens have no control over the stadium issue, and expressed concern with regard to the example that was set today for Roanoke's young people.

ARMORY/STADIUM-SCHOOLS: Ms. Helen E. Davis, 35 Patton Avenue, N. E., expressed concern that citizens were permitted to speak for only three five minutes to the Victory Stadium/high school stadia issue and that restrictions were placed on what they could and could not say. She expressed disappointment that some Members of the Council have not honored their word, and expressed appreciation to other Council Members who have displayed character, vision, integrity, leadership, courage, truthfulness, and dedication to all of the citizens of the Roanoke Valley. She stated that Victory Stadium is used for more than just football games, it is an historic structure that is used by all of Roanoke's citizens, and the majority of citizens have spoken in favor of renovating Victory Stadium. She encouraged that Council place the question on a referendum for a vote by Roanoke's citizens.

POLICE DEPARTMENT: Mr. Shaheed Omar, 1219 Loudon Avenue, N. W., spoke with regard to an incident of alleged police brutality on Wednesday, October 26, 2005, in Melrose Park, which was witnessed by a number of persons. He stated that pursuant to the Virginia Freedom of Information Act, he would request information relating to the arrest, and advised that the Chief of Police should be in control of the actions of police officers who should be required to abide by certain standards of conduct and should not be allowed to come into low income communities and physically abuse citizens. He requested that the City initiate an independent investigation and that the U. S. Department of Justice also investigate the matter.

TRAFFIC: Mr. Don Bouldin, 2114 Berkley Avenue, S. W., commended the City of Roanoke on traffic calming measures on Grandin Road; however, he noted that no space is allocated for handicapped parking, other than in the vicinity of a local restaurant and the theater. He called attention to four spaces in front of the drug store that would provide a good location for handicapped parking. He also called attention to a dangerous traffic situation at the stop sign when attempting to turn left onto Grandin Road, where visibility is obstructed due to the curb extension. He further called attention to the traffic light at Grandin Road and Memorial Avenue, as vehicles turn left onto Grandin Road, the light changes at the same time for a right turn from Grandin Road onto Memorial Avenue, which creates the potential of a traffic accident, particularly between 3:00 - 3:15 p.m., at the close of the school day.

CITY COUNCIL: Mr. Robert E. Gravely, 727 29<sup>th</sup> Street, N. W., spoke with regard to ethics, morals and the obligations of elected officials to the citizenry of Roanoke.

POLICE DEPARTMENT: Mr. Tony C. Hairston, 1263 Tayloe Avenue, S. E., spoke with regard to alleged police brutality. He stated that the City of Roanoke and the nation, in general, have declined over the past ten years; and America has become a nation of onlookers, where violence is seen but not addressed, and a nation where drugs are present, but only those who are oppressed by drugs are arrested. He added that Victory Stadium should be renovated for use by all of the citizens of Roanoke.

ARMORY/STADIUM-SCHOOLS: Mr. Winfred C. Noell, 2743 Northview Drive, S. W., advised that as he listened to the comments made by students earlier in the Council meeting, they referred to various physical reasons for supporting stadia at the two high schools; however, if Victory Stadium is renovated, all of their concerns would be addressed. Also, he noted that certain things could be done through renovation of Victory Stadium that would increase school identity. He advised that numerous comments were made by various speakers that stadiums in the neighborhoods surrounding Patrick Henry High School and William Fleming High School would be an asset, therefore, citizens residing in northeast and southeast Roanoke might be inclined to make the same request.

CITY MANAGER COMMENTS: NONE.

There being no further business, the Mayor declared the Council meeting in recess to be reconvened on Thursday, November 10, 2005, at 7:00 p.m., at The Hotel Roanoke and Conference Center, 110 Shenandoah Avenue, N. E., City of Roanoke, Virginia, for the Regional Legislative Dinner. (Inasmuch as a quorum of the Council was not present, no minutes of the Regional Legislative meeting were recorded.)

A P P R O V E D

ATTEST:

Mary F. Parker  
City Clerk

C. Nelson Harris  
Mayor

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